



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,314	03/22/2004	Mark Stanley Tenney	MST032204	2533

7590  
Mr. Mark S. Tenney  
4313 Lawrence Street  
Alexandria, VA 22309

10/28/2008

EXAMINER
----------

RANKINS, WILLIAM E

ART UNIT	PAPER NUMBER
----------	--------------

3696

MAIL DATE	DELIVERY MODE
-----------	---------------

10/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/805,314

Examiner

WILLIAM E. RANKINS

Applicant(s)

TENNEY, MARK STANLEY

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 09 July 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☒ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Daniel S Felten/  
Primary Examiner, Art Unit 3696

/William E. Rankins/  
Art Unit 3996

Continuation of 1(c) Other: The amendments to the specification described are unclear. Applicant is directed to MPEP 714 for making proper amendments to the specification.

Continuation of 4(e) Other: Claims 18 and 19 should be marked as new even if they are intended to amend a previous claim. Applicants' explanation for not using proper procedure (strikeout was too extensive) is not acceptable. Applicant is reminded to review MPEP 714..

Continuation of 5 Other: The amendment can be considered non-responsive according to 37 cfr 1.111. In particular, the applicant must reply to each objection/rejection made specifically and distinctly. The remarks do not state the objection or rejection(101/112) made and the claims to which they are directed. The applicant is strobgly encouraged to seek the assistance of a qualified patent attorney and/or contact the examiner for guidance. The applicant is also encouraged to review the USPTO website at [www.uspto.gov](http://www.uspto.gov). Particular help can be found at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprac.pdf> and <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/moreinfoamdtprac.htm> and in the MPEP under 37 cfr 1.121. lastly, applicant is invited to review MPEP 210 for patent eligible subject matter. Despite applicants assertions that a portfolio and a financial product are patent eligible, the examiner asserts that they are abstract ideas and as such may only be patent eligible if there is a practical application. A practical application being the transformation of an object or article to a different state or if a useful, concrete AND tangible result is produced. .